

DRAFT

City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

June 4, 2009

CALL TO ORDER:

Chair Thompson called the meeting to order at 1:04 P.M.

ROLL CALL:

Present:

Vice-Chair Addison S. Thompson
Commissioners John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Absent:

Commissioners Stella Larson and Charmaine Jacobs

Commissioner Bruce Bartlett arrived to the dais at 2:35 P.M.

STAFF PRESENT:

Bettie Weiss, City Planner
John Ledbetter, Principal Planner
Danny Kato, Senior Planner
N. Scott Vincent, Assistant City Attorney
Michael Berman, Project Planner/Environmental Analyst
Susan Reardon, Senior Planner
Dan Gullett, Associate Planner
Roxanne Milazzo, Associate Planner
Peter Lawson, Associate Planner
Stacey Wilson, Associate Transportation Planner
Kelly Brodison, Assistant Planner
Julie Rodriguez, Planning Commission Secretary

I. ROLL CALL

Roll call was taken at 1:04 P.M. Commissioners Bartlett, Larson, and Jacobs were not present.

II. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Senior Planner Danny Kato announced that Item VI., 1 Adams Road, would be changed in the order listed on the Agenda and heard first.

- B. Announcements and appeals.

Mr. Kato made the following announcements:

1. The Planning Commission's decision on the 1642 Calle Canon appeal has been appealed to City Council.
2. The Planning Commission's decision on the 436 Corona Del Mar appeal has been appealed to City Council.

- C. Comments from members of the public pertaining to items not on this agenda.

Chair Thompson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

III. CONSENT ITEMS:

ACTUAL TIME: 1:08 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself from hearing this item due to a conflict with a partner working on the project.

APPLICATION OF J. MICHAEL HOLLIDAY, ARCHITECT FOR LEN HOMENIUK & MARINA STEPHENS PROPERTY OWNERS, 3339 CLIFF DRIVE, APN 047-082-015, A-1, SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE, BLUFF (MST2008-00419)

The site is currently developed with a 3,231 square foot single-family residence and 605 square foot attached garage. The proposed project consists of a 915 sf second story and 415 sf ground floor addition, 181 sf of new second story deck areas, interior remodel, replacement of the septic system, and various landscape and hardscape changes. The project is located on a 1.3-acre lot in the Hillside Design District and Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is:

A Coastal Development Permit (CDP2008-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Case Planner: Dan Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: Jostes/Lodge

Waive the Staff Report

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson opened the public hearing at 1:08 P.M., and with no one wishing to speak, closed the hearing.

MOTION: Jostes/Lodge

Assigned Resolution No. 019-09

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

IV. STAFF HEARING OFFICER APPEALS:

ACTUAL TIME: 1:10 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself due to his business partner being involved with the design of the project.

A. APPEAL OF PATRICIA AOYAMA ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF EAST BEACH VENTURES FOR THE DISRAELI LIVING TRUST, 2140 MISSION RIDGE ROAD, APN 019-071-003, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2008-00318)
Continued from May 7, 2009.

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of

new accessory space. Nine existing trees are proposed to be removed. The discretionary application required for this project is a Modification to permit the addition to be located within the required Open Yard Area (SBMC §28 15.060). On March 11, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner
Email: RMilazzo@SantaBarbaraCA.gov

Roxanne Milazzo, Associate Planner, gave the Staff presentation, joined by Susan Reardon, Staff Hearing Officer

Patricia Aoyama, gave the appellant presentation, joined by Kathleen Weinheimer, Attorney for the appellant.

Susan Reardon, Staff Hearing Officer, summarized the modification request for the Commission stating that the additions conform to the 15' setbacks, but that the issue of concern is over a portion of the second story addition in the rear corner encroaching into the required open yard. The area between the residence and the accessory building is being recognized as the open yard area.

Staff explained the trees that would be removed and the additional condition of adequate screening that would be reviewed by the Single Family Design Board. Ms. Reardon explained amendments to the zoning ordinance as they related to the project's deck.

In response to the City's ordinance over odd-shaped lots, Staff explained that recognizing sight constraints is justification for modification relief; and exemplified irregular shaped, undersized, large setbacks as being recognized site constraints that qualify for modification relief. Staff confirmed that this was the smallest parcel in the neighborhood, and that there were no modification requests for the original development.

Ms. Reardon affirmed that the front yard open space allowance existed in the ordinance until a recent zoning change and explained the evolution of the zoning ordinance as it related to the project. Scott Vincent, Assistant City Attorney, added that the change to the ordinance was precipitated by this project and by the discovery that surfaced during the initial appeal.

Peter Ehlen, Architect East Beach Ventures, gave the applicant presentation, joined by Don Disraeli, Owner.

Mr. Ehlen answered the Planning Commission's questions clarifying the historic development of the property. Mr. Vincent added further explanation on the defining part of the open yard from the front lot line to the main building and why the modification was necessary. Mr. Vincent reminded the Commission that it is the application presented today that triggers the need for the modification. While the history explains the sequence of events leading to today, without the application, the property would continue to exist in a legally conforming condition.

Staff responded to the Planning Commission's questions clarifying consideration of the open yard space.

Chair Thompson opened the public hearing at 2:10 P.M., and with no one wishing to speak, the hearing was closed.

The Commissioners made the following comments:

1. Commissioners Jostes and Lodge concurred with Ms. Weinheimer about making modification decisions based on necessity and appropriateness. Both Commissioners felt that another alternative could be considered that did not require the open yard modification, such as taking out the storage quadrilateral area in the northwest corner.
2. Commissioner White agreed with comments about modifications but does not find fault in the decisions that have been made. Feels that there are other ways that this project could be built without invading the open space. Upholds the appeal.
3. Commissioner Thompson does not feel that the project as approved will have a negative effect, but does agree with other Commissioners that another option could have been considered. Finds no reason to overturn the Staff Hearing Officer's decision.

Mr. Vincent addressed Ms. Weinheimer's comments regarding the interpretation of the modification ordinance and its language. Agreed that it is a two-part standard. However the first element is the finding of consistency with the purpose and intent of the zoning ordinance. The disagreement is over the word 'necessary' in the second element and the four qualifying sub-clauses.

Commissioner White read the comments of the Single Family Design Board into the record as provided by Mr. Ehlert.

MOTION: Lodge/White

Assigned Resolution No. 020-09

Deny the appeal making the findings in the Staff Report and upholding the decision of the Staff Hearing Officer.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

Chair Thompson called a recess at 2:30 P.M. and resumed the meeting at 2:35 P.M.

Commissioner Bruce Bartlett arrived at the dais at 2:35 P.M.

ACTUAL TIME: 2:35 P.M.

B. APPEAL OF TONY FISCHER ON BEHALF OF THE FRIENDS OF OUTER STATE STREET ON THE APPLICATION OF BRITT JEWETT FOR BARBARA MATHEWS, 2105 ANACAPA STREET, APN 025-242-011, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2008-00311)

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow construction within both thirty-foot front setbacks (SBMC §28.15.060). On March 25, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 & 15305.

Case Planner: Roxanne Milazzo, Associate Planner
Email: RMilazzo@SantaBarbaraCA.gov

Roxanne Milazzo, Associate Planner, gave the Staff presentation.

Tony Fischer, gave the appellant presentation.

Britt Jewett, Architect, gave the applicant presentation, joined by Richard Monk, Attorney for the applicant.

Staff stated that the height of the project was not a part of Staff's analysis in the modification request but was considered as the height from the existing grade, and responded to the raised terraces on the Padre Street side and north side terrace elevated above grade as not being considered structures.

Mr. Jewitt acknowledged for the Commission that the plans in the presentation were not consistent with the plans submitted in the Staff Report and explained the first floor plate heights as being 9'6", the garage as 8' and the second level as having an 8' plate height on the inside of the walls with the leaves being lower than 8'.

Chair Thompson opened the public hearing at 3:22 P.M.

Chuck Maunz, neighbor, supported the appellant, citing the mass, bulk, and scale as being out of character with the neighborhood.

Mina Goena Welch, a neighbor, spoke in favor of the project and welcomes the additions to the neighborhood.

With no one else wishing to speak, the public hearing was closed at 3:52 P.M.

In response to changes in the exterior characteristics, Staff stated that they are allowed per the City's code and read the allowable criteria.

The Commissioners made the following comments:

1. Commissioners White and Bartlett and Jostes remained concerned about the basement adding 200 additional square feet; and the Single Family Design Board's (SFDB) 3/3 split vote on the project. Liked the design and cooperation with neighborhood and felt that this is a real upgrade. Thinks the ordinance should have variable setbacks. Commissioner Bartlett would like to see the revised plans be submitted to the SFDB. Collectively supported the modification request and denial of the appeal.
2. Commissioner Jostes agreed with the Mr. Fischer's position on the basement issue and felt loop-holed by the technicality. Does not feel that the 50 per cent credit should be applied in this case and that the applicant stretched to meet the definition for the credit.
3. Commissioner Lodge also shared concerns on how the fill was brought in to make a basement. Liked the project, but felt it is too large for the lot. Would like to see the SFDB reduce the size, bulk, and scale of the project.
4. Commissioner Thompson feels that Mr. Fischer raises some good concerns, but felt that the concerns should be dealt with on a policy level and not by singling out projects. The project is aggressive and would like to see SFDB reduce the massing. The basement issue raises another policy issue.

Regarding the basement issue, Mr. Vincent stated that definition of the FAR calculation and the redesigned definition of grade came out of Neighborhood Preservation Ordinance (NPO). The FAR calculation uses the term grade, defined in the zoning ordinance as the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property

line or within 5' of the building. In this case the finished surface following the addition of fill is the measurement.

MOTION: White/Lodge

Assigned Resolution No. 021-09

Denied the appeal making the findings as outlined in the Staff Report, and upheld the decision of the Staff Hearing Officer, and referred back to the Single Family Design Board with 1) Concern with fill used to transform non-conforming garage into a basement; and 2) Direction to study reduction of the massing to make more compatible with neighborhood and lot size.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

V. CONCEPT REVIEW:

ACTUAL TIME: 3:42 P.M.

APPLICATION OF PAUL ZINK, ARCHITECT FOR RICHARD UNTERMANN AND GAIL ELNICKY, 1712 ANACAPA STREET, 027-111-014 R-2 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 3 UNITS PER ACR (MST2008-00435)

The project site is located at 1712 Anacapa Street between Valerio Street and Islay Street. The project includes a proposal to subdivide the existing 23,160 square foot lot into three lots that would have one single-family residence on each proposed lot. Parcel 1 would be 8,140 square feet, and would include a new two-story 2,650 square foot single-family residence with a new two-car garage. Parcel 2 would be 7,020 square feet, with a new two-story 2,440 square foot square foot single-family residence with a new two-car garage. Parcel 3 would be 8,000 square feet, and would be the site for a new two-story 2,720 square foot single-family residence with a new two-car garage. Pedestrian and vehicular access for all three units would be provided by a new 16 foot wide easement along the northwest property line. A total of 869 cubic yards of grading is proposed for the existing parcel.

The purpose of the concept review is to allow the Planning Commission and the public an opportunity to review the proposed project design at a conceptual level and provide the Applicant and Staff with feedback and direction regarding the proposed land use and design with an emphasis on General Plan consistency. The opinions of the Planning Commission may change or there may be ordinance or policy changes that could affect the project that would result in requests for project design changes. **No formal action on the development proposal will be taken at the concept review, nor will any determination be made regarding environmental review of the proposed project.**

The discretionary applications required for this project are:

1. A Tentative Subdivision Map for a one-lot subdivision to create three (3) new lots (SBMC 27.07);
2. Two (2) Street Frontage Modifications to allow each of the newly created lots to have less than the required 60 feet of frontage on a public street (SBMC §28.15.080);
3. A Public Street Frontage Waiver from the requirement that each lot created by a new subdivision shall front upon a public street or private driveway serving no more than two lots (SBMC 22.60.300); and
4. Design Review by the Single Family Design Board (SBMC §22.69).

Case Planner: Kelly Brodison, Assistant Planner
Email: KBrodison@SantaBarbaraCA.gov

Kelly Brodison, Assistant Planner, gave the Staff presentation and noted for the record public comment letters received in opposition from Monte Fligsten, Catharine and Phil Morreale, and Paula Westbury.

Richard Untermann, owner, gave the applicant presentation.

Mr. Vincent responded to the Planning Commission's questions concerning whether the General Plan needed to be adjusted to be consistent with zoning and the variable outcomes. Regarding the deliberation for the hearing, Mr. Vincent suggested the Commission should consider the diagram and map, proximity of the project site to the border, text of the general plan regarding the flow of the neighborhood, and put all together to decide if the project is consistent or not with the goals of the General Plan.

Chair Thompson stated that the Commission would provide comments on the Concept Review, but not render a decision on whether or not the project was consistent with the General Plan.

Chair Thompson opened the public hearing at 4:10 P.M.

Monte Fligsten, a neighbor, submitted a letter summarizing his concerns, specifically with the subdivision request of an R-2 lot, as well as the density that would come from 3 units per acre.

With no one else wishing to speak, the public hearing was closed at 4:15 P.M.

Mr. Vincent noted a typographical error correcting the SBMC §28.15.080 reference in the second modification request to the correct reference of SBMC §28.18. of the Municipal Code. There is no internal conflict between the two provisions. They exist independent of each other and can operate independently of each other or in conjunction with each other.

The Commissioners made the following comments:

1. Commissioner Jostes supported a General Plan amendment to make the project compatible between the zoning ordinance and the General Plan Map. Stated that the City should have had an updated land use map by now so that the applicant would not have to go through experience, but it is a long way from being adopted. Felt that if the Commission were to decide that the finding was close enough before a new Land Use Element and Updated General Plan were adopted, then it would set a dangerous, temporary precedent that would allow projects to proceed in areas where the General Plan Designation and the Zoning Designation are not consistent. For subdivisions, it has been general practice to have the map and the text consistent with each other. Would support an abbreviated Environmental Review presuming that a General Plan amendment is required.
2. Commissioner Jostes noted the 10' jog between the lot line between the lot closest to Anacapa Street, and the middle lot. Having it jogged like that does not make planning sense and suggested avoiding jagged lot lines when creating the subdivision map.
3. Commissioner White concurred with Commissioner Jostes. Could support the modifications for the street frontage. Commissioners White and Bartlett suggested the applicant consider inclusion of a granny unit, and tandem parking for the third parking space.
4. Many Commissioners felt that the plan is consistent with the intent of the zoning and the General Plan and the direction that the Updated General Plan is going.
5. Commissioner Bartlett agrees that a jagged property line should be avoided. Could support the street frontage modifications. Suggested reconsidering the garage on the middle lot so that it does not encroach on setbacks or the oak tree drip lines. 3:20:00
6. Commissioner Thompson agrees with Commissioner Bartlett. General plan review should be more streamlined. Project is appropriate for the area. Appreciates applicant working with neighbors and encourages continued cooperation.
7. Commissioner Lodge added that the area is transitional and the three units are a compromise to higher zoning. Felt there is no need for a jog in the lot line. The project is a good use of the property.

Mr. Kato noticed that 3 of the Commissioners felt that the project could move forward, while 2 did not and asked the Commission for more direction. Mr. Vincent elaborated on what the Commission's position would mean for the applicant if it returned with the assumption implied with the 3/2 differential. The environmental document would more than likely not be an infill exemption and would be for a subdivision of three lots, with the underlying zoning, the underlying general plan designation, and it would be expected that the three Commissioners would be consistent in their findings.

Commissioner Jostes was concerned that his leanings would set a temporary precedent in how we interpret the zoning ordinance and the land use map between now and the time a new Land Use Element is adopted.

Commissioners felt stifled in assisting applicants before a new Land Use Element is in place, but felt that it could not hold applicants back who apply before the new element is adopted.

The Commissioners recounted a precedent that occurred on Milpas Street where the General Plan had a residential designation and the Zoning Ordinance had a commercial designation. Mr. Vincent commented on the recent Milpas Street amendment that changed a use, not from one residential density to another residential density, but from a residential use designation to a commercial retail designation.

Commissioner Bartlett felt that taking no action is a decision in the wrong direction and would delay a correction in the General Plan Update. Feels the Commission should make a decision and not wait until the General Plan Update is adopted.

VI. CONSENT ITEM:

ACTUAL TIME: 1:07 P.M.

APPLICATION OF STEVE CAMPBELL ON BEHALF OF THE GOLETA WEST SANITARY DISTRICT, 1 ADAMS ROAD, 073-045-003A-F/S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2009-00146, CDP2009-00006) Rescheduled from May 21, 2009

The proposed project consists of the installation of a polyvinyl chloride (PVC) conduit system connecting existing monitoring wells with a vacuum blower, two air compressors, and pumps to extract and treat gasoline contaminated soil and ground water. The purpose of this project is to facilitate the remediation of soil and groundwater contamination associated with an underground storage tank removed in 2006. The proposed project site is on Santa Barbara Airport Property under lease to the Goleta West Sanitary District. The discretionary application required for this project is a Coastal Development Permit to construct a soil and groundwater remediation conduit and filtration system in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15304.

Case Planner: Andrew Bermond, Assistant Planner
Email: ABermond@SantaBarbaraCA.gov

Mr. Kato requested that the Planning Commission waive the Staff Report.

MOTION: Jostes/White

Waive the Staff Report

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson opened the public hearing at 1:07 P.M., and with no one wishing to speak, closed the hearing.

MOTION: White/Jostes

Assigned Resolution No. 018-09

Approved the project, making the findings for the Coastal Development Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Larson, Jacobs)

Chair Thompson announced the ten calendar day appeal period.

VII. NEW ITEMS:

ACTUAL TIME: 4:40 P.M.

Commissioner White left the dais at 4:40 P.M.

A. APPLICATION OF LISA PLOWMAN, AGENT FOR PROPERTY OWNER WESTMONT COLLEGE, 505, 509 W. LOS OLIVOS ST., 2121 OAK PARK LN., APNs 025-210-012, -004, -014, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2007-00470) Continued from May 7, 2009.

The 13 unit condominium project includes a lot merger; demolition of a duplex and detached garage; demolition of a single-family residence and attached garage; construction three new buildings containing nine new three-bedroom units and one new two-bedroom unit; addition to an existing apartment building; and remodel and conversion of the apartment building into two three-bedroom condominiums and one two-bedroom condominium. Parking for the converted apartment building would be provided by one uncovered and five covered spaces in the existing carport and parking for the ten newly-constructed units would be provided in two-car garages attached to each unit. Three guest parking spaces would also be provided on site. The proposed development would total 24,635 sf on the 32,550 sf lot. Two of the three-bedroom units would be provided to Middle Income Households using a target income of 130% of AMI consistent with the Inclusionary Housing Ordinance.

The discretionary applications required for this project are:

1. Modification to allow a reduction of the required 15 ft front yard setback for the three-story building on W. Los Olivos St. (SBMC §28.92.026.A);

2. Modification to allow a reduction of the required 15 ft separation between buildings (SBMC §28.92.026.A);
3. Tentative Subdivision Map for a one-lot subdivision to create 13 residential condominium units (SBMC 27.07 and 27.13); and
4. Condominium Conversion Permit to convert four existing residential units to three condominium units (SBMC 28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (Infill Development Projects).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Daniel Gullett, Associate Planner, gave the Staff presentation, which included a recommended change to condition I.11.

Lisa Plowman, Peikert Group, gave the applicant presentation, joined by Scott Hopkins, Project Architect; Doug Jones, Chief Financial Officer, Westmont College; and Steve Amerikaner, Attorney.

Chair Thompson opened the public hearing at 5:12 P.M. and acknowledged receipt of a petition signed by approximately 15 neighbors asking for consideration lowering the front of the project structure facing Los Olivos Street to a single story with a greater setback.

The following people spoke in support of the project:

1. Debbie Cox Bultan, Executive Director, Coastal Housing Coalition
2. Chris Heckley
3. Stephen Contakes

The following people spoke in opposition to the project or with concerns:

1. Diane Durst submitted a petition with 12 signatures concerned with the size, bulk and scale of the project.
2. Celeste Barber, neighbor, submitted a previous letter and felt that the project is too large for the area; concerned with the mass, bulk, and scale of the project.
3. Elaine Dietsch felt that the project is too large and is concerned with the requested setback modifications on Los Olivos Street, as well as the traffic impact.
4. Ralph Philbrick, neighbor, emailed the Commission with written comments asking for a reduction of the building mass; it is too large. Supports the covered parking and trash enclosure.

5. Bill Wofford submitted a petition with 16 signatures and suggested lowering height and increasing setback.
6. John Bokron agreed with his neighbors and felt that the project would significantly impact the neighborhood.

With no one else wishing to speak, the public hearing was closed at 5:31 P.M.

Ms. Plowman provided the Planning Commission clarification about the affordability component and affirmed that the project does comply with the current Inclusionary Housing Ordinance.

The Commissioners made the following comments:

1. The consensus of the Commissioners were concerned that the craftsman style is giving the project an appearance of being bigger than it is and would ask that the Architectural Board of Review (ABR) take a closer look at the chosen style and address the neighbor's concern for the size, bulk, and scale of the project.
2. Commissioner Bartlett thought the project can serve as a successful model and likes the affordability of project for all units. Supports the interior yard setback and roof enclosure. Supports the reduction in driveways and the increase in on-street parking as benefits to the neighborhood. Acknowledged that this is an R-3 zone neighborhood and therefore not all neighborhood development is going to be single-family residences. Supports the project.
3. Commissioners Lodge and Jostes admired Westmont College's commitment to provide affordable housing for faculty and staff, but were concerned with the mass and bulk of the units. While the front on Los Olivos Street is two-stories, it has the appearance of being three stories. Suggestion was made to change the roofline.
4. Commissioner Jostes supported the requested modifications. Suggested adding a section 8.c to the Condition of Approval on Page 4 of 16 titled Transportation Demand Management (TDM) to read "provide two annual reports to the city after the first full year of occupancy documenting the effectiveness of the TDM program to mitigate traffic." Also suggested augmenting condition F.2 (Neighborhood Notification Prior to Construction) to add language beyond just noticing the neighbors, but meeting with the neighbors prior to the commencement of construction, if such a meeting were requested.
5. Commissioner Thompson feels the project is well intended but does not support the modifications and feels that there are ways that project can be done without modifications.

MOTION: Jostes/Bartlett

Approve the project, making the findings for the Tentative Subdivision Map, Modifications, and the Condominium Conversion Permit as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) Architectural Board of Review to minimize the size, scale, bulk and avoid any modifications through design if at all possible; 2) Include aforementioned changes to C8, F2, and 3) The staff-recommended change to I.11.

This motion failed by the following vote:

Ayes: 2 Noes: 2 (Lodge, Thompson) Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Commissioner Thompson cannot support modifications.

Commissioner Lodge cannot vote for modification on Los Olivos Street but can support the interior modification.

MOTION: Jostes/Bartlett

Assigned Resolution No. 022-09

Approved the project, making the findings for Tentative Subdivision Map, the interior modification, and the Condominium Conversion Permit outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report with the following revisions to the Conditions of Approval: 1) Architectural Board of Review to minimize the size, scale, bulk and avoid any modifications through design if at all possible; 2) include aforementioned changes to C8, F2, and 3) the staff-recommended change to I.11.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Thompson) Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Chair Thompson announced the ten calendar day appeal period.

ACTUAL TIME: 5:49 P.M.

- B. APPLICATION OF TRUDI CAREY, AGENT FOR GIARDINI DI CIPRIANI, LLC, 455, 457, 459 N. HOPE AVENUE, APNs 057-170-012, 057-191-011 & -014, COUNTY ZONING: 8-R-1 (SINGLE FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 8,000 SQUARE FEET PER UNIT), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE (MST2006-00564) Continued from May 21, 2009.**

The City received a request from Trudi Carey of The Carey Group, Inc., agent for property owner Giardini di Cipriani, LLC, for initiation of annexation of the 2.92

acre lot known as 457 and 459 N. Hope Ave. (APN 057-170-012). Upon annexation, the owner intends to subdivide the property into nine residential lots. In addition, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.25 acre lot known as 455 N. Hope Ave. (APN 057-191-011) and the 0.14 acre driveway lot (APN 057-191-014) serving the residence at 455 N. Hope Ave. These two lots are owned by the Anderson Family Revocable Trust, and no improvements are proposed as this time. The three subject lots are located within the City's Sphere of Influence, and adjoin parcels already in the City. At this time, the discretionary action required for the project is **Initiation of Annexation** (SBMC Chapter 28.96).

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov

Daniel Gullett, Associate Planner, gave the Staff presentation.

Trudi Carey gave the applicant presentation.

Chair Larson opened the public hearing at 6:00 P.M., and with no one wishing to speak, closed the hearing.

Regarding water use, Ms. Carey responded that the project uses city water and has city water meters. It also uses the city sewer system.

Staff answered additional Planning Commission questions about the detachment as related to the Goleta Water District.

The Commissioners made the following comments:

1. Commissioner Jostes appreciated that the rural nature has been kept. Would like to see building envelopes include in the subdivision next time the project comes before the Planning Commission.
2. Commissioner Bartlett supported the annexation but is concerned that connectivity is not achieved and creates a dead-end cul-de-sac street that does not connect pedestrians and vehicles. Concerned that the project results in too few but large lots and is inconsistent with pattern of the neighborhood. Likes the narrow street. Would like to see a subdivision that has more lots that are smaller with homes that are more affordable. Likes the narrower street widths and supports the one sidewalk.
3. Commissioners Lodge and Thompson agree with looking at smaller lots and smaller houses that are affordable by design when the project returns. Commissioner Lodge was concerned with the narrowness of the smaller street.
4. The consensus of the Commission supported the annexation of the property to the city.

5. Commissioner Thompson prefers a city street, as long as the city agrees to support the street.
6. Commissioner Jostes suggested that the applicant return to the Planning Commission for a concept review for an alternative subdivision plan that is more responsive to the Planning Commission's comments.

MOTION: Jostes/Lodge

Assigned Resolution No. 023-09

Recommended Initiation of Annexation of the parcels indicated in the Staff Report, with a General Plan designation as residential with 5 units/per acre.

Ms. Carey explained how the lot sizes were determined, accounting for slope density, as well as drainage issues that were addressed with the determination.

Staff responded to the Commission's inquiry on the availability of Planned Unit Development (PUD) or Planned Residence Development (PRD) zoning designations that would provide the applicant more flexibility with the site location by stating that they are both available. The PRD would be individual lots that would come with a Conditional Use Permit. The PUD would be a zone.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Larson, Jacobs, White)

Chair Thompson announced the ten calendar day appeal period.

Chair Thompson called a dinner break at 6:17 P.M and reconvened the meeting at 7:00 P.M.

VIII. ENVIRONMENTAL HEARINGS:

ACTUAL TIME: 7:00 P.M.

EX PARTE COMMUNICATION:

Commissioner Bartlett disclosed an ex parte communication with the project architects regarding a question raised earlier regarding the potential for a parking structure.

APPLICATION OF CAMERON CAREY, TYNAN GROUP (AGENT) FOR AMERICAN BAPTIST HOMES OF THE WEST, 900 CALLE de los AMIGOS, APN'S 049-440-015 & 16, 049-040-050, 053 & 054, A-1, E-1 & E-3 ZONE DISTRICTS, GENERAL PLAN DESIGNATION: RESIDENTIAL 5 UNITS/ACRE, 1 UNIT/ACRE (MST2005-00742)

The proposed project is an amendment to the Valle Verde Retirement Community (VVRC) Conditional Use Permit. VVRC is made up of five separate parcels totaling approximately 59.75 acres. The proposed project involves the following components: 1) Construction of 40 two-bedroom independent living units. 2) New access road onto Torino Road for eight of the proposed units. 3) Upgrade the facility's Central Core (Common Area) and commercial

facilities by renovating approximately 10,461 net square feet and expanding the buildings by a total of 14,902 net square feet. 4) Construct three new gazebos in various locations throughout the development. 5) Demolish six common parking areas, and relocate the parking spaces to other parking lots on the site. 6) Provide 83 new parking spaces, including two new staff parking lots. 7) Create a 9.8 acre Oak Woodland preserve. 8) Demolish an existing 2,280 s.f. hospice building, 1,300 square foot single family residential unit, four multi-family residential buildings, maintenance buildings and four gazebos. Additionally 15 oak trees are proposed to be removed and six oak trees may be impacted. Grading for the project would involve 11,520 cubic yards of cut, 13,300 cubic yards of fill and 1,780 cubic yards of import.

ENVIRONMENTAL HEARING: The purpose of the environmental hearing is to receive comments from the Planning Commission, interested agencies and the public on the proposed EIR scope of analysis, consistent with the provisions of the California Environmental Quality Act (CEQA) Guidelines. The proposed EIR scope of analysis would include evaluation of project environmental effects associated with biological resources and traffic trips. An Initial Study, describing potentially significant impacts as well as potentially significant, but mitigable, and less than significant impacts in other issue areas, is available for review at the City Planning Division located at 630 Garden Street, or online at www.SantaBarbaraCA.gov/eir. The comment period on the document ends on **June 22, 2009**.

No formal action on the development proposal or environmental document will take place at this hearing.

Case Planner: Peter Lawson, Associate Planner,
Email: PLawson@SantaBarbaraCA.gov

Peter Lawson, Associate Planner, gave the Staff presentation, joined by Michael Berman, Project Planner/Environmental Analyst

Ron Schaffer, Executive Director Valle Verde Retirement Community, gave the applicant presentation, joined by Lawrence Hunt, biologist, and Scott Schell, Associate Transportation Engineers.

Staff answered the Planning Commission's questions about the 45 day review period for the draft Environmental Impact Report (EIR).

Chair Larson opened the public hearing at 7:25 P.M.

The following people commented on the project:

1. Heike Kilian, Hidden Oaks Homeowners Association, was concerned with the limited scope of the review and that the potential environmental impacts will not be addressed adequately. Concerned that erosion and drainage in the Geophysical category of the EIR is being addressed. Does not understand why parking is not being reviewed under the EIR. Concerned with abbreviated EIR that does not

include a Land Use Section. Asked that Visual impacts also be included in the EIR. Also referred to 1984 EIR document prepared for proposed additions to Valle Verde that included statements about preservation of open space. Jim Venturino relinquished his time to Ms. Kilian

2. Jermaine Chastain, concurs with the previous speaker that the EIR scope is very narrow and would like to see alternatives considered, such as reducing the development footprint by including two story elements and underground parking. In support of expanding the scope of the EIR, referenced California Law stating that establishing a fair argument does not require substantial evidence. Feels that Staff and the Planning Commission have not considered earlier concerns raised in writing and asked that they be reviewed. Steve Gaither and Peter Georgi relinquished their time to Ms. Chastain.
3. Christina McGinnis, Hidden Oaks Homeowners Association (HOHA), asked the Commission to look at the continued expansion the development in a residential neighborhood and to consider the neighborhood compatibility of the project. Felt that the proposed EIR does not meet CEQA requirements and that the scope should be revised to include a land use section. Asked that zoning inconsistencies be addressed and that alternatives are considered under the EIR. HOHA is not apposed to the project, just wants to be able to give input. Sherie Burgher and Bryan Georgi relinquished their time to Ms. McGinnis.
4. Maeda Palius, President of Hidden Valley Residents Association, read a letter she submitted in March into the record. Stated that Valle Verde was approved for a maximum of 350 residents and staff, yet current number is almost 400 residents and does not include the 100+ employees working at the facility. Feels if the project were approved the resident would grow to over 600 people at peak periods. The negative declaration does not mitigate parking, traffic, emergency access and egress, aesthetics, density, protecting wood preserve, public view, landslides, and earthquake fault lines. Requested an EIR be required for this project stating the project would have a negative impact increasing traffic, speeding, parking shortages, and safety issues during evacuations. The proposed 40 units would set a precedent in increasing density. Would like construction hours limited.
5. Judy Orias, Allied Neighborhood Associations, wants traffic calming devices, citing frequent road use by emergency vehicles. Consideration should be given for increasing density in a high fire area. Asked that a soil study be done and that noise and construction impacts be addressed. Asked that the project have sufficient parking so that it does not impact the public street.
6. Louise Carey, Valle Verde resident, supports the Valle Verde expansion. Janet Davis and June Kambach relinquished their time to Ms. Carey.
7. Robert Buegler, Valle Verde resident, most driving occurs during non-peak times. Cited the reduction in the independent living population; many residents are over 100 years old. Less of the independent living population are driving and rely on alternative transportation. Staff does not contribute to peak hour traffic due to work hour shifts. The additional 40 units will bring the total residents to 224 and will have a negligible impact on traffic. Barbara Kucera, Jane and Fred Stupley relinquished their time to Mr. Buegler.

8. Henry Jones, Valle Verde resident, talked about trail that he cut 8 years ago that no longer exists. The proposed staff parking area has been moved from what was once proposed and no longer on the north end of the property. The proposed project does not exceed the original conditional use permit that approved the 244 independent living units, only provides more amenities. The project will not pose additional traffic. Virginia Jones, Alice and George Scott, and Rasner Thorenses relinquished their time to Mr. Jones.
9. Donald O'Dowd, President of the resident council, Valle Verde resident, commented on parking and traffic stating that Valle Verde residents to not park on Torino Road. Calle de los Amigo is a narrow street and does have parking congestion caused by Valle Verde employees that will be alleviated by the proposed on-campus parking structure. Jan O'Dowd, Ellen Voorhees, and Ruth Priest relinquished their time to Mr. O'Dowd.
10. Norman Boyan, President, representing 11 other people, testified that the project does not compromise the public views and also stated that private views are not protected. Spoke about Valle Verdes contribution to Green Initiative Movement and the awards received. Contributions to public good include the highest percentage of voting precinct in city; serving as a temporary residence to senior evacuees from the recent Jesusita Fire; the provision of educational and cultural offerings that are also available to the general public; and over 6000 hours of volunteer hours to community non-profits last year. Mr. Boyan submitted a letter for the record.
11. Ruth Georgi, Hidden Oaks Estates, submitted a letter and stated that the Conditional Use Permit is out of compliance based on the staff and residence numbers provided by Valle Verde. The picture shown of the Rutherford property from Torino Drive is a public view. Wildlife trail has been there for over 20 years. Recalled that at the March 5, 2009 hearing, at least 3 Commissioners commented on the need for an EIR supported by quoting the prior minutes listing that "The consensus of the Commission wanted to see an EIR", among other quotations. Asked the Commission to consider a complete EIR.

With no one else wishing to speak, the public hearing was closed at 8:30 P.M.

The Commissioners made the following comments:

1. Commissioner Lodge was concerned with evacuation in the event of a fire and would like to see the ingress/egress emergency evacuation examined. Noted that the existing parking lot has residents backing into the parking lot, however is concerned that the new parking plan has cars backing into traffic and is probably not considered in vehicle trips.
2. Commissioner Jostes asked Staff to use the revised initial study process to focus the analysis of the EIR to function as a process for providing answers as opposed to collecting information. Looks at the document as being an important piece that helps the Commission, the public, and the applicant evaluate the environmental effects of the project and land use compatibility.

3. Commissioner Bartlett wanted to see alternatives in the options that address just building larger units even though population is not increasing.

Staff reviewed the list of EIR elements and explained the justification for not providing further analysis on the eliminated elements due to either mitigation or less than significant impacts.

Mr. Berman added that all EIR's have a section on land use, but that it is not an impact analysis section; the consequences of land use, such as traffic and biology, will be addressed in the appropriate section. Based on dialogue with Fire Department Staff, Mr. Berman was assured that fire safety was adequate. However, an emergency evacuation component could be added to the EIR. Also, noted that there is not a huge amount of development that has to exit the area like there is in Mission Canyon.

In response to a question regarding how the City will resolve the differing opinions regarding the wildlife impasse, Mr. Berman stated that a consultant would be hired to document and resolve differing opinions for resolution. Regarding the elements of the EIR, the EIR focus will be narrowed and include a summary of the initial study and provide thresholds. Mr. Berman added that a range of alternatives will be developed for potentially significant impacts identified in the environmental document and an environmentally preferred recommendation will be made.

Stacy Wilson, Transportation Division, addressed the parking configuration and reviewed the considerations for the diagonal on-street parking which reduces the amount of paving.

IX. RECOMMENDATION TO CITY COUNCIL:

ACTUAL TIME: 8:43 P.M.

PROPOSED ZONING ORDINANCE AMENDMENT SECTION 28.87.300 DEVELOPMENT PLAN REVIEW AND APPROVAL.

In November 1989, city voters approved an amendment to the City Charter (Measure E, Charter Section 1508) regulating non-residential growth in the City. The growth management limitations are implemented through the City's Zoning Ordinance 28.87.300. Charter Section 1508 will sunset on January 1, 2010, and the proposed amendment is to continue the same development review standards consistent with Charter Section 1508 in the Zoning Ordinance until 2015 while the City completes its current General Plan update known as *Plan Santa Barbara*. Once new growth limitations are established for the next 20 years, along with policies and standards to implement the growth management program, the codes will be updated.

The Council is considering this proposed Zoning Ordinance Amendment to continue to 2015 the existing standards for review of non-residential construction projects. All other provisions of the Zoning Ordinance will remain the same. The purpose of the Planning Commission hearing is for review of the ordinance amendment before forwarding to the

Council its recommendation on adoption. It is estimated that Council would review the amendment in June of 2009.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305.

Case Planner: Bettie Weiss, City Planner
Email: BWeiss@SantaBarbaraCA.gov

Bettie Weiss, City Planner, gave the Staff presentation.

Staff answered additional Planning Commission questions about why the year 2015 was suggested and offered that it was at the discretion of the Commission to change it.

The Commissioners made the following comments:

1. Commissioner Jostes recalled the jobs/housing issues of his peers and in their absence was not prepared to support a recommendation without a full board. Suggested the jobs/housing numbers be reduced for an interim period of time until we have a General Plan Update in place. Sees a need for incentives to be offered for the process to work in a timely manner and volunteered to attend any meetings that would facilitate furthering the process.
2. Commissioner Bartlett was concerned with why we would try to balance the job/housing numbers by killing the commercial market. Supported an extension of a shorter time frame to allow the completion of the General Plan Update.
3. Commissioner Thompson understood the reasoning behind Staff's request and supported Staff's proposed request.

Mr. Vincent recalled the jobs/housing discussion that was previously held and asked that the Commission make a recommendation to maintain the status quo until additional work could be put in place for the next 20 years.

MOTION: Jostes/Bartlett

Assigned Resolution No. 024-09

Recommended to City Council that it continue the existing development review standards for review of non-residential construction projects, consistent with Charter Section 1508 in the Zoning Ordinance, until January 1, 2012 while the City completes its General Plan update.

This motion carried by the following vote:

Ayes: 3 Noes: 1 (Lodge) Abstain: 0 Absent: 3 (Larson, Jacobs, White)

The Commission is most concerned with not losing more time on moving forward with the General Plan.

Chair Thompson announced the ten calendar day appeal period.

X. ADMINISTRATIVE AGENDA

ACTUAL TIME: 9:08 P.M.

- A. Committee and Liaison Reports.
None were given
- B. Review of the decisions of the Staff Hearing Officer in accordance with SBMC §28.92.026.
None were requested
- C. Action on the review and consideration of the following Draft Minutes and Resolutions:
 - a. Draft Minutes of April 16, 2009
 - b. Resolution 012-09
124 Las Aguajes Avenue
 - c. Resolution 013-09
2515 Medcliff Road
 - d. Resolution 014-09
1109 Luneta Place

MOTION: Jostes/Bartlett

Continue the Draft Minutes and Resolutions until June 11, 2009.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Larson, Jacobs, White)

VII. ADJOURNMENT

Chair Thompson adjourned the meeting at 9:12 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 023-09

455, 457, 459 N. HOPE AVENUE

RECOMMENDATION FOR INITIATION OF ANNEXATION

JUNE 4, 2009

APPLICATION OF TRUDI CAREY, AGENT FOR GIARDINI DI CIPRIANI, LLC, 455, 457, 459 N. HOPE AVENUE, APNs 057-170-012, 057-191-011 & -014, COUNTY ZONING: 8-R-1 (SINGLE FAMILY RESIDENTIAL WITH A MINIMUM LOT SIZE OF 8,000 SQUARE FEET PER UNIT), COUNTY GENERAL PLAN DESIGNATION: RESIDENTIAL, 4.6 UNITS PER ACRE (MST2006-00564)

The City received a request from Trudi Carey of The Carey Group, Inc., agent for property owner Giardini di Cipriani, LLC, for initiation of annexation of the 2.92 acre lot known as 457 and 459 N. Hope Ave. (APN 057-170-012). Upon annexation, the owner intends to subdivide the property into nine residential lots. In addition, due to previously-imposed conditions on the adjoining property to the south, staff requests initiation of annexation of the 0.25 acre lot known as 455 N. Hope Ave. (APN 057-191-011) and the 0.14 acre driveway lot (APN 057-191-014) serving the residence at 455 N. Hope Ave. These two lots are owned by the Anderson Family Revocable Trust, and no improvements are proposed as this time. The three subject lots are located within the City's Sphere of Influence, and adjoin parcels already in the City. At this time, the discretionary action required for the project is **Initiation of Annexation** (SBMC Chapter 28.96).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the annexation, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 30, 2009
2. Site Plans
3. Correspondence received against annexation:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Initiated Annexation of the parcels indicated in the Staff Report, with a General Plan designation of residential with 5 units/per acre and Zoning designations of E-3 and SD-2.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Larson, Jacobs, White)

PLANNING COMMISSION RESOLUTION No.023 –09
455, 457, 459 N. HOPE AVENUE
JUNE 4, 2009
PAGE 2

DRAFT

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 022-09

505-509 LOS OLIVOS STREET, 2121 OAK PARK LANE

TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION PERMIT, MODIFICATION

JUNE 4, 2009

APPLICATION OF LISA PLOWMAN, AGENT FOR PROPERTY OWNER WESTMONT COLLEGE, 505, 509 W. LOS OLIVOS ST., 2121 OAK PARK LN., APNs 025-210-012, -004, -014, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS/ACRE (MST2007-00470)

The 13 unit condominium project includes a lot merger; demolition of a duplex and detached garage; demolition of a single-family residence and attached garage; construction three new buildings containing nine new three-bedroom units and one new two-bedroom unit; addition to an existing apartment building; and remodel and conversion of the apartment building into two three-bedroom condominiums and one two-bedroom condominium. Parking for the converted apartment building would be provided by one uncovered and five covered spaces in the existing carport and parking for the ten newly-constructed units would be provided in two-car garages attached to each unit. Three guest parking spaces would also be provided on site. The proposed development would total 24,635 sf on the 32,550 sf lot. Two of the three-bedroom units would be provided to Middle Income Households using a target income of 130% of AMI consistent with the Inclusionary Housing Ordinance.

The discretionary applications required for this project are:

1. Modification to allow a reduction of the required 15 ft front yard setback for the three-story building on W. Los Olivos St. (SBMC §28.92.026.A);
2. Modification to allow a reduction of the required 15 ft separation between buildings (SBMC §28.92.026.A);
3. Tentative Subdivision Map for a one-lot subdivision to create 13 residential condominium units (SBMC 27.07 and 27.13); and
4. Condominium Conversion Permit to convert four existing residential units to three condominium units (SBMC 28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332 (Infill Development Projects).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 3 people appeared to speak in favor of the application, and 6 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 30, 2009
2. Site Plans
3. Correspondence received in opposition to the project, or with concerns:
 - a. Paula Westbury, Santa Barbara, CA
 - b. Celeste and Kenneth Barber, via email
 - c. Ralph Philbrick, via email
 - d. Bill Wofford, Santa Barbara, CA submitted a petition with 16 signatures

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. Distance Between Buildings Modification (SBMC §28.92.110)

The requested distance between buildings modification is consistent with purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because a slightly larger enclosure is necessary to enclose the largest trash carts, as described in Section VII.B of the staff report April 30, 2009.

B. Condominium Conversion (SBMC §28.88.120)

1. *All provisions of SBMC Chapter 28.88 are met and the project will not be detrimental to the health, safety, and general welfare of the community.*

As described in Section V.B of the staff report, the project is consistent with the provisions of the Condominium Conversion Ordinance and the project will not be detrimental to the health, safety, and general welfare of the community.

2. *The proposed conversion is consistent with the General Plan of the City of Santa Barbara or legally nonconforming with the density requirement of its Land Use Element.*

As discussed in Section VII.D of the staff report, the conversion is consistent with the City's General Plan.

3. *The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed to be complete, except as otherwise provided in this Chapter.*

The proposed conversion will conform to all regulations in the Municipal Code including zoning requirements as shown in Section V of the staff report. No modifications are needed for the development associated with the conversion.

4. *The overall design (including project amenities) and physical condition of the conversion will result in a project which is aesthetically attractive, safe and of quality construction.*

Based on ABR's most recent review, staff's analysis and the project conditions, the overall project design and physical condition of the conversion will result in a project which is aesthetically attractive, safe, and of quality construction because the additions must comply with the building code and Condominium Conversion Ordinance.

5. If required by Subsection 28.88.110 A, the proposed conversion has mitigated impacts to the City's low and moderate income housing supply through an agreement to record affordability control covenants on the specified number of units.

As discussed in Section V.B of the staff report, the conversion is not required to provide affordable low or moderate housing units by Subsection 28.88.110.A.

6. *The applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval. In making this finding, consideration shall be given to:*
 1. *Rent increases at a rate greater than the rate of increase in the Consumer Price Index (all items, Los Angeles - Long Beach) unless provided for in leases or contracts in existence prior to the submittal of the first application for City review, or*
 2. *Any other action by applicant which is taken against tenants to coerce them to refrain from opposing the project. An agreement with tenants which provides for benefits to the tenants after the approval shall not be considered a coercive or retaliatory action.*

According to the applicant, Westmont College has not taken any coercive retaliatory action toward the residents of 505 West Los Olivos Street. The College informed the tenants of their long term plans to use the existing four units for faculty housing when they purchased the units in July 2006 and the tenants have been informed of their rights pursuant to the City's Condominium Conversion Ordinance.

7. *The owner has made a reasonable effort to assist those tenants wishing to purchase their units for purposes of minimizing the direct effect on the rental housing market created by relocating such tenants.*

The owner has made a reasonable effort to assist those tenants wishing to purchase their units by making the converted units only available to employees of Westmont College. Westmont will provide required relocation assistance for any tenants displaced by the conversion.

8. The requirements of SBMC Section 28.88.130 have been met.

Since four units are being proposed for conversion, the Section 28.88.130 requirements are not applicable pursuant to SBMC Subsection 28.88.130.C.1.a.

C. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the City of Santa Barbara's General Plan as discussed in Section VI.D of the staff report and consistent with the Zoning Ordinance, as shown in staff report Section V, including the Inclusionary Housing Ordinance. The site is physically suitable for the proposed development and the proposed use is consistent with the vision for the Oak Park neighborhood of the General Plan.

As discussed in Section VII.E of the staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems

D. The New Condominium Development (SBMC §27.13.080)

1. *There is compliance with all provisions of the City's Condominium Ordinance.*

As demonstrated in Section VI of the staff report, the project complies with all provisions of the City's Condominium Ordinance, including density requirements, laundry facilities, separate utility metering, adequate unit size, and the required private outdoor living space.

2. *The proposed development is consistent with the General Plan of the city of Santa Barbara.*

The project is found consistent with policies of the City's General Plan including the Land Use and Housing Elements, as discussed in Section VII.D in the staff report. The project will provide infill residential development that is compatible with the surrounding neighborhood.

3. *The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.*

The project is an infill residential project proposed in an area where residential development is a permitted use. The design has been reviewed by the Architectural Board of Review, which found the architecture and site design appropriate. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts.

II. Said approval is subject to the following conditions:

- A. **Notice of Approval of Condominium Conversion.** Owner shall provide evidence of delivery of written notice of the condominium conversion approval to the Community Development Department within 15 days of the approval of said conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
- B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied:
 1. **Design.** Size, bulk, and scale shall be minimized, and modifications should be avoided, if at all possible
 2. **Tree Protection Measures.** The landscape plan and grading plan shall include the following tree protection measures, intended to minimize impacts on trees:
 - a. **Landscaping Under Trees.** Landscaping under the trees shall be compatible with the preservation of the trees.
 - b. **Arborist's Report.** Include a note on the plans that recommendations/conditions contained in the arborist's report prepared by Arbor Services, dated January 2009, shall be implemented.
 3. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
 4. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 5. **Permeable Paving.** Incorporate a permeable paving system for the driveways that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
- C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an Agreement Relating to Subdivision Map Conditions Imposed on Real Property, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 7, 2009 is limited to a lot merger; demolition of a duplex and detached garage; demolition of a single-family residence and attached garage; construction three new buildings with 19,563 sf of floor area

containing nine new three-bedroom units and one new two-bedroom unit; a 479 sf addition and remodel to an existing 3,653 sf apartment building; and the conversion of the existing apartment building into two three-bedroom condominiums and one two-bedroom condominium; and the improvements shown on the Tentative Subdivision Map signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement. The following tree protection measure shall be included:
 - a. **Oak Tree Protection.** The existing oak trees shown on the Landscape Plan shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist's report prepared by Arbor Services, dated January 2009. During construction, protection measures shall be provided, including but not limited to fencing of the area surrounding the trees.
5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as Units 11 and 12 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

Units No. 11 and 12 (3-bedroom units) = \$350,800

The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

- e. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- 8. **Transportation Demand Management.** The following alternative mode incentives shall be incorporated into the project to reduce traffic impacts caused by the project. Westmont shall designate one of the project occupants as the Transportation Demand Officer responsible for insuring that all residents comply with the provisions of the approved Transportation Management Plan.
 - a. **Ride-Sharing Program.** Residents shall be made aware of the Ride-Share/Van Pool Program administered by Westmont. Westmont shall make every effort to encourage participation in the program.
 - b. **Guaranteed Ride Home.** In the event of an emergency or work requirement that interferes with the normal transportation arrangement of any resident employed by Westmont using alternative modes of transportation such as, mass transit, carpool, or vanpool, to get to work, Westmont shall provide cab fare, a company car, or other means to guarantee a free ride home.
 - c. **Annual Reports.** Two annual reports shall be provided to the City after the first full year of occupancy documenting the effectiveness of the Transportation Demand Management Program.
- 9. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
- D. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:
 - 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 - 4. **Drainage Calculations.** The Owner shall submit (drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that

the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Plan (SWMP). Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.
6. **W. Los Olivos St. Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on W. Los Olivos St. As determined by the Public Works Department, the improvements shall include the following: *sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of curb drain outlets, supply and install one Dome Style residential height standard street light & coordinate with City staff to retire light standard on existing utility pole, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 CA MUTCD during construction, storm drain stenciling, off-site biofilter/swale sized per drainage calculations, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site.* Any work in the public right-of-way requires a Public Works Permit.
7. **Oak Park Ln. Public Improvement Plans.** The Owner shall submit building plans for construction of improvements along the property frontage on Oak Park Ln. As determined by the Public Works Department, the improvements shall include the following: *sidewalk, driveway apron modified to meet Title 24 requirements, saw-cut and replace damaged curb & gutter, access ramp, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limit of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology report for installation of drainage pipe*

and curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per 2006 CA MUTCD during construction, storm drain stenciling, new street trees and tree grates per approval of the City Arborist and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.

8. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 9. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements including any required appurtenances within their rights of way.
 10. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- E. **Public Works Requirements Prior to Building/Condominium Conversion Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building/Condominium Conversion Permit for the project.
1. **Submittal for Recordation of Final Map Agreements.** After City Council approval, the owner shall submit application for approval and recordation of the Final Map to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works Permit shall be issued concurrently with a Building Permit.
- F. **Community Development Requirements with Building/Condominium Conversion Permit or Public Works Permit Application.** The following shall be submitted with the application for any Building/Condominium Conversion Permit or Public Works Permit and finalized prior to issuance of any Building/Condominium Conversion or Public Works Permit:
1. **Notice of Vacation of Unit.** Each non-purchasing tenant that is not in default shall have not less than 180 days from the date of approval of the conversion to find substitute housing and relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100. E of the Municipal Code.
 2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the

construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), an offer to meet with neighbors prior to commencement of construction, site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division. The contractor shall meet with the neighbors, prior to the commencement of construction, if such a meeting wereis requested.

3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
 4. **Arborist's Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the dripline of all trees proposed to be retained during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division and the City arborist, if appropriate.
 5. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as Units 11 and 12 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:
Units No. 11 and 12 (3-bedroom units) = \$350,800
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
- G. **Building/Condominium Conversion Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building/Condominium Conversion Permits:

Design Review Requirements. Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.

1. **Physical Elements Report.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced and shown on the plans.
2. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance

of these facilities shall be provided by the Owner, as outlined in Condition F.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

4. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- H. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00

p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.

4. **Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
5. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating (GVWR) of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
6. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
7. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31 st *
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

8. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to

the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.

- b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
9. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
11. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
12. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

13. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
14. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
15. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected, and maintained, in accordance with the Tree Protection Plan, and any related Conditions of Approval, as follows.
 - a. **Grading Plan Notes.** Notes on the grading plan that specify the following:
 - (1) No grading shall occur within the driplines of the existing trees.
 - (2) A qualified Arborist shall be present during any excavation adjacent to or beneath the dripline of the trees which are required to be protected.
 - (3) All excavation within the dripline of the trees shall be done with hand tools.
 - (4) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
 - (5) No heavy equipment, storage of materials or parking shall take place under the dripline of the trees.
 - (6) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (7) All trees within 25 feet of proposed construction activity shall be fenced six feet outside the dripline for protection.
 - b. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:
 - (1) During construction, fencing or protective barriers shall be placed around and six feet outside of the dripline of all oak trees located within 25 feet of development.
 - (2) No grading shall occur under any non relocated oak tree dripline, except as indicated on the drainage, grading, and utility plan.

Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- (3) A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
 - (4) No storage of heavy equipment or materials, or construction parking shall take place within six (6) feet of the dripline of any oak tree.
 - (5) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
- c. **Tree Relocation.** The existing oak trees #17 and 18 shall be boxed relocated on the Real Property and shall be fenced and protected during construction.
 - d. **Existing Tree Preservation.** The existing trees shown on the approved Landscape Plan to be saved shall be preserved and protected and fenced six feet outside the dripline during construction.
- 16. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 - 17. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 - 18. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an

archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- I. **Prior to Certificate of Occupancy for Condominium Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
 3. **Physical Elements Report Completion.** All elements in the Physical Elements Report that have five or fewer years of life remaining shall be repaired or replaced.
 4. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 5. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be

recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review.

6. **Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street trees have been properly pruned and trimmed.
 7. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.
 8. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
 9. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section E have been recorded.
 10. **Final Map Approved.** The Final Map shall be approved by City Council.
 11. **Exclusive Right to Purchase (Right of First Refusal).** If the units are offered to the general public, the Owner shall provide evidence of the extension to each tenant household of the condominium conversion building of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
- L. **After Certificate of Occupancy for Condominium Conversion Permit:** The following conditions shall be completed after issuance of the Certificate of Occupancy for the Condominium Conversion Permit has been completed.
1. **Final Map Recordation.** The Final Map shall not be recorded until the Certificate of Occupancy for the Condominium Conversion Permit has been issued. The following shall be provided prior to Map recordation.
 2. **Notice of Department of Real Estate Report.** Owner shall submit evidence showing that written notification has been submitted to each tenant household that an application for a public report has been submitted to the California Department of Real Estate within 10 days of the submission of such application.
 3. **Notice of Final Map Approval.** Owner shall submit evidence that written notice of approval of the Final Map has been provided to each tenant household within 10 days of such approval.

- M. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Planning Commission's action approving the Modifications shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or
2. A Building permit for the use authorized by the approval is issued within and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
3. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) two (2) years from granting the approval.

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the application, unless otherwise specified by state or federal law.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 1 (Thompson) ABSTAIN: 0 ABSENT: 3 (Larson, Jacobs, White)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 021-09

2105 ANACAPA STREET

MODIFICATIONS

JUNE 4 2009

**APPEAL OF TONY FISCHER ON BEHALF OF THE FRIENDS OF OUTER STATE STREET
ON THE APPLICATION OF BRITT JEWETT FOR BARBARA MATHEWS, 2105 ANACAPA
STREET, APN 025-242-011, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN
DESIGNATION: 3 UNITS PER ACRE (MST2008-00311)**

The 9,448 square foot project site is located on the corner of Anacapa and Padre Streets. Current development on site consists of a single family residence and detached garage. The proposed project involves demolition of the existing structures and the construction of a 3,339 square foot single family residence and attached 420 square foot garage. The discretionary applications required for this project are Modifications to allow construction within both thirty-foot front setbacks (SBMC §28.15.060). On March 25, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 & 15305.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 1 person appeared to speak in favor of the appeal, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 28, 2009
2. Site Plans
3. Correspondence received in favor of the appeal:
 - a. Paula Westbury, Santa Barbara, CA
4. Correspondence received in opposition to the appeal:
 - a. Richard Monk, Hollister and Brace, Santa Barbara, CA
 - b. Mina and Sam Welch, via email
 - c. Frank Kelly, Santa Barbara, CA
 - d. Jean Gates Hall, Santa Barbara, CA
 - e. Sarah Stapelton Dobbs, Santa Barbara, CA
 - f. Oscar E. Hensgen, via email

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Denied the appeal making the findings as outlined in the Staff Report, and upheld the decision of the Staff Hearing Officer, and referred back to the Single Family Design Board with 1) Concern with fill used to transform non-conforming garage into a basement; and 2) Direction to study reduction of the massing to make more compatible with neighborhood and lot size.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Larson, Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 020-09

2140 MISSION RIDGE ROAD

MODIFICATION

JUNE 4, 2009

APPEAL OF PATRICIA AOYAMA ON THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF EAST BEACH VENTURES FOR THE DISRAELI LIVING TRUST, 2140 MISSION RIDGE ROAD, APN 019-071-003, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 1 UNIT PER ACRE (MST2008-00318)

The 15,745 square foot project site is currently developed with a single family residence, attached 2-car garage, swimming pool, and detached accessory building. The proposed project involves a 1,000 square foot first floor addition and 79 square foot second story addition to the residence, and 96 square feet of new accessory space. Nine existing trees are proposed to be removed. The discretionary application required for this project is a Modification to permit the addition to be located within the required Open Yard Area (SBMC §28 15.060). On March 11, 2009, the Staff Hearing Officer made the required findings and approved the request. This is an appeal of that action.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 & 15305.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 30, 2009
2. Site Plans
3. Correspondence received in support of the appeal:
 - a. Patricia Aoyama, via email
 - b. Gary and Mary Lou Kravetz, via email
 - c. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Denied the appeal making the findings in the Staff Report and upholding the decision of the Staff Hearing officer.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Larson, Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 019-09
3339 CLIFF DRIVE
COASTAL DEVELOPMENT PERMIT
JUNE 4, 2009

APPLICATION OF J. MICHAEL HOLLIDAY, ARCHITECT FOR LEN HOMENIUK & MARINA STEPHENS PROPERTY OWNERS, 3339 CLIFF DRIVE, APN 047-082-015, A-1, SD-3 ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE, BLUFF (MST2008-00419)

The site is currently developed with a 3,231 square foot single-family residence and 605 square foot attached garage. The proposed project consists of a 915 sf second story and 415 sf ground floor addition, 181 sf of new second story deck areas, interior remodel, replacement of the septic system, and various landscape and hardscape changes. The project is located on a 1.3-acre lot in the Hillside Design District and Appealable Jurisdiction of the Coastal Zone.

The discretionary application required for this project is:

A Coastal Development Permit (CDP2008-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 30, 2009
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

Coastal Development Permit (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act; and

As demonstrated in Section VI.C of the staff report dated April 30, 2009, the proposed project is consistent with the policies of the California Coastal Act including the those related to public shorelines access, minimization of potential risks from seacliff retreat, and assurance of stability and structural integrity.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.

The project conforms to all zoning requirements including setbacks, building height and open yard regulations, as shown in Section V of the staff report and all Local Coastal Plan Policies, including those related to bluff top development, and protection of public views, as shown in Section VI.C of the staff report. As conditioned, the project conforms to all implementing guidelines and applicable provisions of the Municipal Code.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

1. **Appropriate Plants on Bluff.** Special attention shall be paid to the appropriateness of the existing and proposed plant material in the rear yard area.
2. **Irrigation System.** The irrigation system shall be designed and maintained with the most current technology to prevent a system failure, and watering of vegetation on the bluff edge shall be kept to the minimum necessary for plant survival. The drip system along the bluff edge shall be removed after one full season of plant growth.
3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

- B. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute *a written instrument*, prepared by Planning staff, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 8, 2009 is limited to a 915 sf second floor and 415 sf ground floor addition, 181 sf of new second story deck areas, interior remodel, replacement of the septic system, various landscape and hardscape changes, and the improvements shown on the project plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the SFDB, the owner is responsible for its immediate replacement. The following tree protection shall be incorporated:
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and Coastal Development Permit are required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Cliff Drive Sewer Connection Requirement.** Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
6. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and

unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 2. **Encroachment Permits.** Any encroachment or other permits from the City or other jurisdictions (State, Flood Control, County, etc.) for the construction of improvements (including any required appurtenances) within their rights of way (easement).
- D. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
1. **Green Building Techniques Required.** Owner shall design the project to meet Santa Barbara Built Green Two-Star Standards and strive to meet the Three-Star Standards.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

2. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board, outlined in Section A. above.
3. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

4. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.4, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

5. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
Contractor	Date License No.
Architect	Date License No.
Engineer	Date License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

3. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
4. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
5. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The

latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
- H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the

approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Larson, Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 018-09

1 ADAMS ROAD

COASTAL DEVELOPMENT PERMIT

JUNE 4, 2009

APPLICATION OF STEVE CAMPBELL ON BEHALF OF THE GOLETA WEST SANITARY DISTRICT, 1 ADAMS ROAD, 073-045-003A-F/S-D-3, AIRPORT FACILITIES, AND COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL (MST 2009-00146, CDP2009-00006)

The proposed project consists of the installation of a polyvinyl chloride (PVC) conduit system connecting existing monitoring wells with a vacuum blower, two air compressors, and pumps to extract and treat gasoline contaminated soil and ground water. The purpose of this project is to facilitate the remediation of soil and groundwater contamination associated with an underground storage tank removed in 2006. The proposed project site is on Santa Barbara Airport Property under lease to the Goleta West Sanitary District. The discretionary application required for this project is a Coastal Development Permit to construct a soil and groundwater remediation conduit and filtration system in the Appealable Jurisdiction of the Coastal Zone (SBMC § 28.45.009).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15304.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 22, 2009
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)

1. The project is consistent with the policies of the California Coastal Act, because it has been designed to minimize environmental impacts to the extent feasible as described in Section VI of the staff report dated May 22, 2009 (Coastal Act

Section 30236).

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, because it would be constructed in previously disturbed areas and would not adversely affect cultural or biological resources (Policies F-3 and C-12) as described in Section VI of the staff report dated May 22, 2009.
3. The project is consistent with the visual character of the surrounding area and the Santa Barbara Airport as the project area will not obstruct important public views (SBMC Chapter 29.87, and Policy E-1).
4. The project does not exceed available capacity of water, wastewater, traffic circulation, parking or any other public service available in the project area (Policy G-1).

II. Said approval is subject to the following conditions:

A. **Community Development Requirements with Public Works Permit Application.**

The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:

1. **Storm Water Pollution Control and Drainage Systems Maintenance.** Applicant shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Applicant shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Coastal Development Permit is required to authorize such work. The Applicant is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Project site or any adjoining property.
2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property Applicants, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will

assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

3. **Contractor and Subcontractor Notification.** The Applicant shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

5. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Applicant	Date
--------------------	------

Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- B. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Applicant and/or Contractor for the duration of the project construction.

1. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a

minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

3. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
5. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all

further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- C. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Applicant hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Applicant further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Applicant shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Applicant fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

Pursuant to Section 28.44.230 of the Santa Barbara Municipal Code, work on the approved development shall commence within two years of the final action on the application, unless a different time is specified in the Coastal Development Permit. Up to three (3) one-year extensions may be granted by the Community Development Director in accordance with the procedures specified in Subsection 28.44.230.B of the Santa Barbara Municipal Code.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Larson, Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.



City of Santa Barbara California

DRAFT

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 024-09

CITYWIDE

RECOMMENDATION TO CITY COUNCIL ON TIME EXTENSION OF SECTION 28.87.300

JUNE 4, 2009

PROPOSED ZONING ORDINANCE AMENDMENT SECTION 28.87.300 DEVELOPMENT PLAN REVIEW AND APPROVAL.

In November 1989, city voters approved an amendment to the City Charter (Measure E, Charter Section 1508) regulating non-residential growth in the City. The growth management limitations are implemented through the City's Zoning Ordinance 28.87.300. Charter Section 1508 will sunset on January 1, 2010, and the proposed amendment is to continue the same development review standards consistent with Charter Section 1508 in the Zoning Ordinance until 2015 while the City completes its current General Plan update known as *Plan Santa Barbara*. Once new growth limitations are established for the next 20 years, along with policies and standards to implement the growth management program, the codes will be updated.

The Council is considering this proposed Zoning Ordinance Amendment to continue to 2015 the existing standards for review of non-residential construction projects. All other provisions of the Zoning Ordinance will remain the same. The purpose of the Planning Commission hearing is for review of the ordinance amendment before forwarding to the Council its recommendation on adoption. It is estimated that Council would review the amendment in June of 2009.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15305.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, May 28, 2009.
2. Correspondence received in support of the extension::
 - a. Michael Towbes, Santa Barbara, CA
3. Correspondence received in opposition to the project:
 - a. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Recommended to City Council that it continue the existing development review standards for review of non-residential construction projects, consistent with Charter Section 1508 in the Zoning Ordinance, until January 1, 2012 while the City completes its General Plan update.

This motion was passed and adopted on the 4th day of June, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 1 (Lodge) ABSTAIN: 0 ABSENT: 3 (Larson, Jacobs, White)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.